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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,956	04/12/2001	Catherine Lin-Hendel	LH 011	3820
35070	7590	09/20/2007		
ANATOLY S. WEISER 3525 DEL MAR HEIGHTS ROAD, #295 SAN DIEGO, CA 92130			EXAMINER WINTER, JOHN M	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/833,956

Applicant(s)

LIN-HENDEL, CATHERINE

Examiner

John M. Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Acknowledgements

The Applicants amendment filed on July 3, 2007 is acknowledged, Claims 18-38 remain pending .

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to enable a plurality of distinct data sources searchable through a website.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18- 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garavini (US Patent 7,080,070) in view of Wells (US Patent 6,711,586).

As per claim 18,

Garavini ('070) discloses a method for conducting on-line commerce, comprising the steps of:

providing a software based interface configured to enable a user to selectively designate a plurality of different items to be purchased in a single search, wherein the software based interface enables the user to selectively designate the plurality of different items without searching for each different item of the plurality of different items one item at a time; (Column 2, lines 23-60)

receiving from the user selective designations of the plurality of different items designated by the user through the interface. (Column 2, lines 42-45)

displaying information found during the single search regarding said plurality of different items; and purchasing on-line all or some of said plurality of different items. (Figure 5)

Garavini ('070) does not explicitly disclose searching, during the single search, for all of said plurality of different items on a plurality of data sources. Wells ('586) discloses searching, during the single search, for all of said plurality of different items on a plurality of data sources. (Column 2, lines 6-46 [Examiner notes that multiple web pages can be construed as multiple data sources]) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Garavini ('070) method with the Wells ('586) method in order create a more efficient searching system by combining searches; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention..

Applicant(s) are reminded that optional or conditional elements, such as “a software based interface configured to enable a user to selectively designate a plurality of different items to be purchased in a single search” do not narrow the claims because they can always be omitted. See e.g. MPEP §2106 II C: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.] ” As a matter of linguistic precision, optional elements (such as “configured to enable”) do not narrow the claim because they can always be omitted.

Claim 34 is in parallel with claim 18 and is rejected for at least the same reasons.

As per claim 19,

Garavini ('070) discloses the method according to Claim 18,

wherein at least one of the plurality of data sources is a website. (Column 3, lines 28-57)

As per claim 20,

Garavini ('070) discloses the method according to Claim 18,

wherein at least one of the plurality of data sources is a database. (Column 4, lines 1-11)

As per claim 21,

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Garavini ('070) discloses the method according to Claim 18, further comprising the step of:

The software based interface is further configured to enable the user to selectively specify at least one of the plurality of data sources to be searched. Said at least one of the plurality of data sources is searchable through a first website, another data source of the plurality of data sources is searchable through a second website and the first website is different from the second website. (Abstract)

As per claim 22,

Garavini ('070) discloses the method according to Claim 18, wherein at least one of the plurality of data sources is a default data source specified by a user.(Figure 5)

As per claim 23,

Garavini ('070) discloses the method according to Claim 18, wherein the step of displaying step information includes the step of: displaying search results of the single search on a display device for viewing by the user, the search results providing information regarding all of said plurality of different items searched. (Figure 5)

As per claim 24,

Garavini ('070) discloses the method according to Claim 23,

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wherein if a particular one of the plurality of data sources that was searched does not have a particular one of the plurality of different items available for sale, that particular data source indicates if any of the other plurality of data sources searched has the item available for sale. (Column 11, lines 29-61 and column 6 lines 53-61)

Claim 37 is in parallel with claim 24 and is rejected for at least the same reason.

As per claim 25,

Garavini ('070) discloses the method according to Claim 23,

wherein the step of displaying search results step includes the step of:
displaying in a plurality of lists the information found during the single search, each one of the plurality of lists displaying search results from a different one of the plurality of data sources searched.(Figure 5)

As per claim 26,

Garavini ('070) discloses the method according to Claim 25,

wherein the step of purchasing includes: providing a software based interface configured to enable the user to place one order for purchasing all or some said of said plurality of different items.(Figure 6)

As per claim 27,

Garavini ('070) discloses the method according to Claim 18,

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further comprising the step of enabling a user to specify display criteria whereby the information found in the search is displayed according to the display criteria specified by the user. (Figure 14)

Claim 38 is in parallel with claim 27 and is rejected for at least the same reasons.

As per claim 28,

Garavini ('070) discloses the method according to Claim 18,
searching certain data sources of the plurality of data sources in a prioritized order specified by the user (Column 2, lines 45-50)

As per claim 29,

Garavini ('070) discloses the method according to Claim 18,
further comprising the steps of: displaying a list of preferred data sources on a display device; prompting the user to edit the list of preferred data sources;
receiving, from the user input provided in response to the step of prompting,; and
editing the list of preferred data sources in accordance with the input provided by the user in response to the step of prompting to determine the plurality of data sources;
wherein the steps of displaying the list of preferred data sources, prompting, receiving, and editing are performed before the step of searching.(Figure 10, Column 8, lines 11-49)

Claim 35 is in parallel with claim 29 and is rejected for at least the same reason.

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As per claim 30,

Garavini ('070) discloses the method according to Claim 18,

wherein the plurality of different items comprises a shopping list. (Figure 10)

As per claim 31,

Garavini ('070) discloses the method according to Claim 18,

further comprising the step of: prompting the user to exclude at least one item from the plurality of different items before the step of searching. (Figure 21)

As per claim 32,

Garavini ('070) discloses the method according to Claim 18,

wherein the plurality of different items includes different types of items. (Figure 10)

As per claim 33,

Garavini ('070) discloses the method according to Claim 18,

wherein the step of purchasing sky includes the step of placing a single order for each of the plurality of different items to be purchased, at a corresponding data source, selected and approved by the user. (Figure 25A)

Claim 36 is in parallel with claim 33 and is rejected or at least the same reasons.

Response to Arguments

The Applicants arguments filed on July 3,2007 have been fully considered.

The Examiner submits that the amended claims are rejected in view of Garavini (US Patent 7,080,070) in view of Wells (US Patent 6,711,586).

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

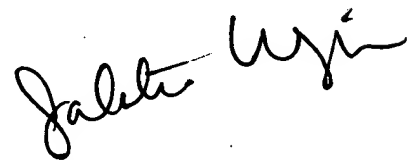
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter



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